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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,675	07/24/2000	Guy Nathan	871-87	6898

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,675

Applicant(s)

NATHAN, GUY

Examiner

Dominic D. Saltarelli

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 14 have been considered but are moot in view of the new grounds of rejection. However, points raised regarding the applicability of Miller and Siegel will be addressed here.
2. On page 6, applicant alleges that:
 - a. Miller does not disclose a system having a multitask operating system
 - b. Miller does not disclose a touch screen
 - c. Miller does not recite an operating system having means for interpreting actions of an operator on the touch screen
 - d. Miller does not recite allowing an operator to access a module for providing a given number of credits.

In response, Miller does in fact provide these amended features listed in a. through c., as described regarding claim 14 below, and the examiner acknowledges that Miller does not provide d. However, Seigel remedies this deficiency.

Further, on page 6, applicant alleges that Miller does not suggest storing in a file a credit reserve, asserting this based on the fact that reprogrammable aspects are updated by a remote system.

In response, the examiner fails to see how this is relevant to storing a credit reserve in a file. The combination of Miller and Siegel results in a system wherein the

Art Unit: 2611

number of credits resident in the system is a reprogrammable aspect that is adjustable by a remote system. There is no support in Miller or Siegel to suggest that the credit reserve is stored anywhere else or by any other means than a locally resident file in the system disclosed by Miller.

On page 7, applicant states that the combination of Miller and Siegel does not teach updating a credit reserve, stating that claim 14 requires a predetermined number of credits paid by the operator to the manager of the reproduction system and further decreases the credit reserve in response to user actions, alleging that the combination of Miller and Siegel does not teach said features.

In response, it is the examiner's understanding that such functionality is precisely what is taught by the combination of Miller and Siegel. Siegel teaches a "free play credit entry function" which allows an operator (serviceman) to pay a predetermined (however many times the serviceman presses the button) number of credits (free plays of any song) to a manager (the manager of the jukebox), and said credit reserve is depleted upon user actions (using the entered "free play credits" to play songs).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2611

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,959,869, of record) [Miller] in view of Siegel et al. (4,413,260, of record) [Siegel] and Barrett et al. (5,214,761) [Barrett].

Regarding claim 14, Miller discloses an audiovisual reproduction system (fig. 2) comprising a central unit (processor 201 in fig. 1) controlling display means (video monitor 102 in fig. 2), a touch screen (touch screen 104 in fig. 2), and memory (fig. 1, DRAM 206, SRAM 208, and EEPROM 210) through a multitask operating system (said operating system capable of performing multiple tasks at the same time, col. 10, lines 25-44) comprising a tools and services library (processor 201 consists of software modules which control vending operations, telecommunication operations, and multimedia presentations, col. 10, lines 25-44), wherein the operating system comprises interpreting means for interpreting action of an operator on the touch screen (an inherent feature, as this is what enables a touch screen to be used in the system). Miller further discloses the all the software code resident in the system is written and updated by a remote system (col. 10, lines 45-55).

Miller fails to disclose an operator to access a module in the tools and services library so as to offer a manager of the audiovisual reproduction system a given number of credits, one credit corresponding to the fee necessary to select a song, the number of credits being stored in a file on the memory as a credit reserve, this file being updated each time that the manager uses a credit an each

time that the operator supplies one or more credits, said interpreting means being adapted for interpreting touching of a first specific button in a first specific area of the touch screen as a request for adding in said file one credit of the credit reserve, and touching of a second specific button in a second specific area of the touch screen as a request for removing in said file one credit of the number of credits on if credit reserve is not empty.

In an analogous art, Siegel teaches an audio reproduction system (col. 2, lines 39-56) wherein an operator (serviceman) can offer the manager of the reproduction system a given number of credits, one credit corresponding to the fee necessary to select a song (through actuation of the 'free play credit entry function'), enabling the operator to give the special benefit of free use to the manager.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller to include offering credits, wherein one credit corresponds to the fee necessary to select a song, as taught by Siegel, wherein the number of credits available would be kept track of in a file in the memory means, as the system disclosed by Miller is a computer with an operating system (Miller, col. 10, lines 34-44). The reason for doing so is to provide the benefit of free use of the system to the manager, as it is well known to offer free samples of products in order to encourage purchases, and enabling the manager to play a given number of songs for free would engender further use of the system by users.

Miller and Siegel fail to disclose said interpreting means being adapted for interpreting touching of a first specific button in a first specific area of the touch screen as a request for adding in said file one credit of the credit reserve, and touching of a second specific button in a second specific area of the touch screen as a request for removing in said file one credit of the number of credits only if credit reserve is not empty.

In an analogous art, Barrett teaches a touch screen interface (col. 8, lines 14-16) wherein touching of a first specific button in a first specific area of the touch screen is interpreted as a request for adding value to a variable (plus region 90 in fig. 4, col. 6, lines 61-66), and touching of a second specific button in a second specific area of the touch screen as a request for removing value from a variable (minus region 86 in fig. 4, col. 6, lines 53-57), providing an operator with an intuitive interface for adjusting the value of a variable (col. 6 line 43 – col. 7 line 6).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller and Siegel to adapt said interpreting means such that touching of a first specific button in a first specific area of the touch screen as a request for adding in said file one credit of the credit reserve, and touching of a second specific button in a second specific area of the touch screen as a request for removing in said file one credit of the number of credits only if credit reserve is not empty (because it is nonsensical to store a negative number of credits) as taught by Barrett, for the benefit of providing an operator

with an intuitive and thus easy to user interface for adjusting the value of the credit reserve variable.

Regarding claim 18, Miller, Siegel, and Barrett disclose the system of claim 14, wherein the operator can limit the ranges of values within which the manager can modify the physical parameters of the audiovisual reproduction system (the operator has complete control over the software code resident in the system, Miller, col. 10, lines 45-55, and thus the operator is capable of programming the system of limit the ranges of values within which the manager can modify the physical parameters).

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Siegel, and Barrett as applied to claim 14 above, and further in view of Kalis et al. (6,212,138, of record) [Kalis].

Regarding claim 15, Miller, Siegel, and Barrett disclose the system of claim 14, but fail to disclose credits supplied by the operator can be used within a given time range determined by a program module that displays a special screen for selection of time ranges within which the credits in the reserve may be used.

In an analogous art, Kalis teaches an audiovisual reproduction system (fig. 1) wherein an operator sets a time range for 'free play' of the system (col. 9, lines 55-56) and a special screen is displayed with provides feedback concerning the

Art Unit: 2611

selection of said time ranges (col. 10, lines 9-29), giving the operator flexibility in control over the use of the system.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, and Barrett to include determining a time range for when free play can occur by the operator and displaying a special screen for selection of said time range, as taught by Kalis, wherein the credits (taught by Siegel) are the means by which 'free play' is actuated. The reason for doing so is to offer the operator flexibility in control over use of the audiovisual reproduction system.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, Siegel, and Barrett as applied to claim 14 above, and further in view of Werth et al. (4,369,442, of record) [Werth].

Regarding claim 16, Miller, Siegel, and Barrett disclose the system of claim 14, but fail to disclose the credit reserve can only be used by the manager, and is controlled by the manager entering a confidential code requested every time before the use of a credit in the reserve is validated.

In an analogous art, Werth teaches restricting access to specific aspects of a vending machine to the owner [manager] (access of output registers only being available to owners, col. 4, lines 4-9), accessed through entry of an input code (col. 4, lines 9-12), granting exclusive access to only the parties which have a right said vending machine aspects.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, and Barrett to include restricting access to a specific aspect of the system which is accessed through entry of a confidential code, as taught by Werth, wherein the manager is the only party with the right to access and use the credit reserve. The reason for doing so is to grant exclusive access to the credit reserve to the only party with a right to utilize the credit reserve, the manager.

Regarding claim 17, Miller, Siegel, and Barrett disclose the system of claim 14, wherein the operation of crediting the credit reserve can only be used by the operator (Siegel teaches the 'free play credit entry function' is available only to a serviceman, col. 2, lines 50-56), but Miller and Siegel fail to disclose entering a confidential code requested every time before adding a credit to the reserve is validated.

In an analogous art, Werth teaches accessing sensitive features of a vending machine by entering an input code (col. 4, lines 4-12), wherein input codes enhance security.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Miller, Siegel, and Barrett to include entering a confidential code requested every time before adding a credit to the reserve is validated, enhancing the security of the audiovisual reproduction system and the credit reserve.

Conclusion

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Art Unit: 2611

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS

A handwritten signature in black ink, appearing to read 'HAITRAN', written over a horizontal line.

**HAITRAN
PRIMARY EXAMINER**